

## REMARKS

A new Abstract in compliance with U.S. patent practice has been submitted herein to replace the original Abstract of the Disclosure.

Claims 1-54 are pending in the application. Claims 9-12 and 34-37 have been considered by the Examiner as containing allowable subject matter.

Claims 19-21, 27-29 and 49-54 are rejected under 35 U.S.C. §102 as being anticipated by Labedz (WO 97/41652).

Labedz teaches a simulator controller which simulates the effects of interfering AMPS wireless communication systems coexisting with CDMA wireless communication systems. In Labedz, when system parameters are input to the simulator S/C 113 a real time simulation of CDMA wireless communication system 100 predicts potential problems and controls system 100.

Labedz et al. clearly discloses that simulator S/C 113 determines through simulation and analysis whether a CDMA mobile station may be forced to enter into a soft-handoff with a CDMA base station. This analysis is performed by received pilot quality in the region in which the mobile station is entering characteristics of the pilot signals transmitted by the CDMA base stations 101-103. What is described in Labedz is an analysis of the wireless link between the mobile station and the base station.

Each of applicant's independent claims, including claims 19, 27 and 49, set forth that each transceiver station has a communications path connecting it to the base station controller and the base station controller assesses the communication path. Thus, the Applicant's claimed invention assesses the path from the base transceiver station to the base station controller.

Contrary to and differently from the present invention, the Labedz's reference analyzes the wireless path based on the pilot signal from the mobile station to the base station.

It is believed that claims 19-21, 27-29 and 49-54 are patentably distinguishable over the Labedz reference and these claims should be allowed.

The Examiner has rejected claims 1-8, 13, 17, 18, 22-26, 30-33, 38, 42-44, 46-48 under 35 U.S.C. §103 as being unpatentable over Labedz in view of Bruckert et al., U.S. Patent No. 5,309,503. Claims 16 and 41 are further rejected in view of Vaara, U.S. Patent No. 5,884,176. Claims 14, 15, 39, 40 and 45 are rejected as in claims 1, 30 and 34 and further in view of Gilhousen et al., U.S. Patent No. 5,697,055.

Independent claims 1, 30 and 44 also call for assessing the path from the base transceiver station to the base station controller, whereas Labedz discloses an analysis of the wireless link between the mobile station and the base station as indicated above.

Bruckert et al. was cited by the Examiner as teaching a base station which may stop transmission to a subscriber based upon a weaker or faded signal.

Vaara was applied against claims 16 and 41 in combination with Labedz as teaching a base station controller (communication pass assessment unit) that includes a storage device for storing information as to which cells employ a fast handover.

Gilhousen et al. was cited against claims 14, 15, 39, 40 and 45 in combination of Labedz in view of Bruckert as teaching a base station controller operable to receive control signals which represent measures of the performance of the communication paths.

It should be noted, however, that in each of these rejections the Examiner refers to Labedz et al. as teaching the path between the base station and the base station controller while Labedz discloses a path between the base station and the mobile station. None of the secondary

references cited by the Examiner, even if taken in combination with the primary reference, suggest any hint that could lead to the present invention as claimed.

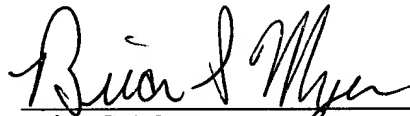
In view of the foregoing, it is respectfully submitted that claims 1-8, 13-33 and 38-54 are allowable over the art.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested.

However, if for any reason the Examiner should consider this application not to be in condition for allowance, he is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper, not fully covered by an enclosed check, may be charged on Deposit Account 50-1290.

Respectfully submitted,



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